

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

V.

DANIEL KAMEN,
Defendant

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Criminal No. 04-10384-PBS

GOVERNMENT'S MOTION FOR AN ORDER
ESTABLISHING THAT THE 30-DAY PERIOD FOR THE GOVERNMENT
TO FILE A NOTICE OF APPEAL FROM THE COURT'S NEW TRIAL ORDERS
WILL NOT BEGIN
UNTIL THE COURT ISSUES ITS WRITTEN OPINION

As requested by the Court in its May 11, 2004, electronic order, the United States respectfully files this motion regarding the time period during which it must file a notice of appeal from the Court's January 19, 2007 order granting Daniel Kamen a new trial and April 30, 2007 order denying the government's motion for reconsideration. Specifically, the United States requests that the Court enter an order ruling that its April 30, 2007 order is not final until the Court issues its written opinion (and it is entered on the docket) and that the government will have 30 days from the date the written opinion is docketed within which to file a timely notice of appeal from the Court's January 19, 2007 order granting a new trial and its April 30, 2007 order denying reconsideration. To ensure that the government's appeal rights are protected, the government further requests that the order indicate that the entry of the April 30, 2007 order on the docket is vacated. A form of order is attached.

The government requests that the Court act on this motion on or before May 25, 2007.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Randall E. Kromm
RANDALL E. KROMM
Appeals Unit

Certificate of Service

I hereby certify that on May 16, 2007, this Notice of Appeal filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Randall E. Kromm
RANDALL E. KROMM
Appeals Unit

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ORDER

May __, 2007

Saris, U.S.D.J.

Upon consideration, I grant the Government's Motion for an Order Establishing That the 30-day Period for the Government To File a Notice of Appeal from the Court's New Trial Orders Will Not Begin Until the Court Issues its Written Opinion. I hereby vacate my April 30, 2007 order orally denying the government's motion for reconsideration and rule that my April 30, 2007 order denying reconsideration will not be final for purposes of appeal until I issue a written opinion on the order and the opinion is entered on the docket. Accordingly, the government shall have 30 days from the date this written order is entered on the docket in which to file a timely notice of appeal from my January 19, 2007 Memorandum and Order and from the order denying the government's motion for reconsideration.

PATTI B. SARIS
United States District Judge